

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

APR 9 2001

U. S. DISTRICT COURT
CLERK'S OFFICE
BY _____ DEPUTY

THE ESTATE OF ANITA ANN §
DULANEY, DECEASED BY AND §
THROUGH ITS ADMINISTRATOR, §
KEVIN L. DULANEY, AS NEXT FRIEND §
OF ANNAKA DULANEY, JAYCIE §
DULANEY and ABBY DULANEY, §
MINORS, and ANITA D. OLIVER §
v. §
§
THE UNITED STATES OF AMERICA §

CIVIL CASE NO. A 00CA325 SS

**PLAINTIFFS' SECOND SUPPLEMENTAL DISCLOSURE OF
POTENTIAL WITNESSES AND TRIAL EXHIBITS**

Potential Trial Exhibits

All medical records and billing records of Anita Ann Dulaney produced by the parties, obtained by Deposition by Written Questions and/or by Affidavit, specifically including, but not necessary limited to, the following:

All medical records and billing records of Wilford Hall USAF Medical Center/Lackland Air Force Base produced by the parties, obtained by Deposition by Written Questions and/or by Affidavit

All medical records and billing records of Bexar County Forensic Science Center produced by the parties, obtained by Deposition by Written Questions and/or by Affidavit

All medical records and billing records of Department of Pulmonary & Mediastinal Pathology, Department of Defense, Armed Forces Institute of Pathology produced by the parties, obtained by Deposition by Written Questions and/or by Affidavit

All medical records and billing records of the Regional Armed Forces Medical Examiner produced by the parties, obtained by Deposition by Written Questions and/or by Affidavit

All medical records and billing records of Talladega Funeral Home produced by the parties, obtained by Deposition by Written Questions and/or by Affidavit

All medical records and billing records of Plum Springs Cemetary produced by the parties, obtained by Deposition by Written Questions and/or by Affidavit

Photographs and videotapes of Anita Ann Dulaney, Kevin L. Dulaney, Annaka Dulaney, Jaycie Dulaney, Abby Dulaney and Anita D. Oliver, copies of which will be or have been produced

Articles and Journals identified in the CVs of the various experts identified by the parties in connection with this case.

The Death Certificate of Anita Ann Dulaney

Letters of Administration concerning the Estate of Anita Ann Dulaney

In addition to the foregoing exhibits, Plaintiffs may produce into evidence some or all of the records which have been proven up by deposition by written questions, as well as those documents which were attached as exhibits to the various oral depositions taken in this case.

Potential Expert Witnesses

Carlos Ayus, M.D.
1967 Haddon
Houston, Texas 77019

Dr. Ayus' area of expertise is nephrology. He is of the opinion that the intravenous fluids ordered and administered to Anita Ann Dulaney were inappropriate because of their hypotonic nature, and that it was below the appropriate standard of care to have ordered and administered such hypotonic fluids.

Dr. Ayus is also of the belief that the volume of administration of hypotonic fluids to Anita Ann Dulaney was also altogether excessive, and therefore below the appropriate standard of care.

Lastly, Dr. Ayus is of the opinion that upon recognition of complications in Anita Ann Dulaney, it was below the appropriate standard of care for her treating physicians and consultants to not have recognized that her medical complications were a result of the prior administration of hypotonic fluids. Further, it was inappropriate for corrective

measures to restrict her fluid intake and to raise her sodium level to not have been instituted during this time.

The above cited areas of substandard care are all proximate causes of the death of Anita Ann Dulaney, as well as the damages claimed in this suit, in the opinion of Dr. Ayus.

For additional information concerning Dr. Ayus please see those documents which were previously produced and incorporated herein by reference as if fully set forth, as well as his deposition which we anticipate will be taken in this matter.

Cosmo Lyle Fraser, M.D.
207 Taylor
Tiburon, California 94920

Dr. Fraser's area of expertise is internal medicine and nephology. He is of the opinion that the intravenous fluids ordered and administered to Anita Ann Dulaney were inappropriate because of their hypotonic nature, and that it was below the appropriate standard of care to have ordered and administered such hypotonic fluids.

Dr. Fraser is also of the belief that the volume of administration of hypotonic fluids to Anita Ann Dulaney was also altogether excessive, and therefore below the appropriate standard of care.

Lastly, Dr. Fraser is of the opinion that upon recognition of complications in Anita Ann Dulaney, it was below the appropriate standard of care for her treating physicians and consultants to not have recognized that her medical complications were a result of the prior administration of hypotonic fluids. Further, it was inappropriate for corrective measures to restrict her fluid intake and to raise her sodium level to not have been instituted during this time.

The above cited areas of substandard care are all proximate causes of the death of Anita Ann Dulaney, as well as the damages claimed in this suit, in the opinion of Dr. Fraser.

For additional information concerning Dr. Fraser please see those documents which were previously produced and incorporated herein by reference as if fully set forth, as well as his deposition which we anticipate will be taken in this matter.

Allen I. Arieff, M.D.
University of California - San Francisco
299 South Street
Sausalito, CA 94965

Dr. Arieff's area of expertise is internal medicine and nephology. He is of the opinion that the intravenous fluids ordered and administered to Anita Ann Dulaney were inappropriate because of their hypotonic nature, and that it was below the appropriate standard of care to have ordered and administered such hypotonic fluids.

Dr. Arieff is also of the belief that the volume of administration of hypotonic fluids to Anita Ann Dulaney was also altogether excessive, and therefore below the appropriate standard of care.

Lastly, Dr. Arieff is of the opinion that upon recognition of complications in Anita Ann Dulaney, it was below the appropriate standard of care for her treating physicians and consultants to not have recognized that her medical complications were a result of the prior administration of hypotonic fluids. Further, it was inappropriate for corrective measures to restrict her fluid intake and to raise her sodium level to not have been instituted during this time.

The above cited areas of substandard care are all proximate causes of the death of Anita Ann Dulaney, as well as the damages claimed in this suit, in the opinion of Dr. Arieff.

For additional information concerning Dr. Arieff please see those documents which were previously produced and incorporated herein by reference as if fully set forth, as well as his deposition which we anticipate will be taken in this matter.

Potential Fact Witnesses

Kevin Lynn Dulaney
3845 Patton Chapel Road
Lincoln, Alabama 35096
c/o 512-478-4422

Anita D. Oliver
350 Little Pond Lane
Talladega, Alabama 35160
c/o 512-478-4422

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Alisha Cook
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Bellview, North Dakota 58123
402-614-3208

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95 Indian Creek Road #24
Huntsville, Alabama 35806
256-890-0261

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Denise Lowther
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805-258-5137

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Patricia Ann Dulaney
3845 Patton Chapel Road
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205-763-7422

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396 Wolf Pond Road
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256-362-8081

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713-450-1711

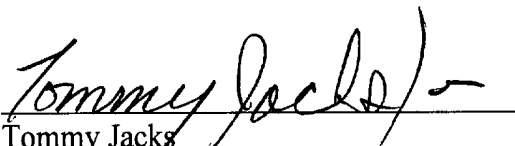
Brenda Combest-Thomas
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P. O. Box 2973
Universal City, Texas 78148
210-590-0882

Amy E. Coontz
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Houston, Texas 77079
281-903-2000

Respectfully submitted,

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512/478-4422
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By: 
Tommy Jacks
State Bar No. 10452000
James L. "Larry" Wright
State Bar No. 22038500

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that on a true and correct copy of the foregoing was forwarded to the below named counsel, by hand delivery on this the 9th day of April, 2001.

Mr. R. Barry Robinson
ASSISTANT UNITED STATES ATTORNEY
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Austin, TX 78701-2443